

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KENNETH JACKSON,

Plaintiff,

v.

WRH REALITY SERVICES, INC.,

Defendant.

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Civil No. 2:15-cv-02494-STA-dkv

ORDER STRIKING NOTICE OF VOLUNTARY DISMISSAL

Before the Court is Plaintiff's Notice of Voluntary Dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure (ECF No. 11) filed on October 22, 2015. Rule 41(a)(1)(A) states that "the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared." In this Notice, Plaintiff did not comply with either Rule 41(a)(1)(i), as an Answer has been filed (ECF No. 6), or Rule 41(a)(1)(ii), as the Notice was not signed by all parties who have appeared. Therefore, the Notice of Voluntary Dismissal is **STRICKEN** from the record without prejudice to re-filing a notice complying with Rule 41 within ten (10) days of the entry of this order.

If a proper notice is not filed within ten days, the Court will re-set the scheduling conference.

IT IS SO ORDERED.

s/ S. Thomas Anderson
HON. S. THOMAS ANDERSON
UNITED STATES DISTRICT COURT

Date: October 22, 2015